

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

ORLANDO BROWN

CIVIL ACTION NO. 13-2993-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

WARDEN ANTONIO JOHNSON

MAGISTRATE JUDGE HAYES

JUDGMENT

For the reasons contained in the Report and Recommendation of the Magistrate Judge filed previously herein, noting the absence objections thereto, and concurring with the Magistrate Judge's findings under the applicable law;

IT IS ORDERED that this petition for writ of habeas corpus (28 U.S.C. §2254) be **DISMISSED WITH PREJUDICE** as time-barred by the provisions of 28 U.S.C. §2244(d).

Pursuant to Rule 11(a) of the Rules Governing 2254 proceedings for the United States District Courts, this Court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant. "Before entering the final order, the court may direct the parties to submit arguments on whether a certificate should issue." Rule 11(a) Rule Governing Section 2254 Proceedings for the United States District Courts (emphasis added). Unless a Circuit Judge or a Circuit or District Judge issues a certificate of appealability, an appeal may not be taken to the court of appeals.

In this instance, a certificate of appealability is **DENIED** because the applicant has failed to demonstrate a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2).

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 13th day of January, 2014.


S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE